

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOEL VANGHELUWE and
JEROME VANGHELUWE,

Plaintiffs,

v.

GOT NEWS, LLC, *et al.*,

Defendants.

Case No. 18-cv-10542
Honorable Laurie J. Michelson
Magistrate Judge Elizabeth A.
Stafford

ORDER DENYING GOTNEWS' MOTION FOR SANCTIONS [44]

At least because none of the 22 defendants are citizens of this state, this case had the promise of numerous, early motions. (Turned out, only five such motions were filed.) Given the potential for heavy, early motion practice and other case-management issues, the Court ordered Plaintiffs to engage in a meaningful meet and confer with the defendants upon their appearances. (ECF No. 20.) The Court further ordered that after the meet and confer, the parties were to “file a joint report stating the date of the meet and confer, whether the parties have settled their dispute (or whether additional time for settlement discussions is desired), whether the defendant will be filing a motion to dismiss or an answer, and the deadline for that motion or answer.” (ECF No. 20, PageID.632.)

Plaintiffs Joel and Jerome Vangheluwe and Defendant GotNews, LLC had their meet and confer on May 22, 2018. According to GotNews' counsel, the Vangheluwes' counsel knew that he had been "out of the office due to a serious illness" and, as such, GotNews might have some difficulty completing the joint report on time. (ECF No. 44, PageID.826.) Yet, GotNews' counsel asserts, the Vangheluwes' counsel "simply filed the 'joint' report himself." (*Id.*)

Thus, GotNews seeks sanctions. "The only sanction sought is that the report (Dkt. No. 43) be rejected, and [the Vangheluwes' counsel] be compelled to comport himself professionally—and when delay is the result of illness, not inattention, he at the very least be required to pick up the telephone before trying to engage in such tactics as he has engaged in today." (ECF No. 44, PageID.827.)

The Vangheluwes' counsel have responded as follows: "Plaintiffs have attempted to communicate with counsel for Defendants in the past regarding a joint report to file with this Court. . . . Defendants have yet to provide Plaintiffs with any input on this joint report. . . . If Defendants' counsel is sick, they have very competent counsel in Mr. Fink, who is also listed as counsel for Defendants on their Motion for Sanctions, and who can assist." (ECF No. 46, PageID.863.)

The Court declines to issue sanctions. That said, the Court expects that all counsel will act with the utmost professionalism and civility throughout this litigation. As for the joint report, the Court will give the Vangheluwes' counsel and

GotNews' counsel another opportunity to work together. After each side has an opportunity to review this Court's opinion and order on GotNews' anti-SLAPP motion, Joel Vangheluwe and GotNews are again to meet and confer in an attempt to resolve this case. Within a week of that meet and confer, Joel's counsel and GotNews' counsel are to docket a joint report. The joint report will be one of the following depending on the outcome of the meet-and-confer: a Rule 26(f) report, a statement that the case has settled, a statement that more time for settlement discussions is desired, or a statement that the parties would like to pursue settlement with the undersigned, a federal magistrate judge, or a private facilitator.

SO ORDERED.

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE

Date: February 6, 2019

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on the attorneys and/or parties of record by electronic means or U.S. Mail on February 6, 2019.

s/William Barkholz
Case Manager to
Honorable Laurie J. Michelson